

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROGER GIFFORD,

Plaintiff,

v.

MICHELE HANSON, et al.,

Defendants.

No. 2:21-CV-0119-TLN-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. On September 22, 2022, the District Judge directed Plaintiff to file a first amended complaint within 60 days. See ECF No. 32. As of December 5, 2022, Plaintiff had not complied, and the Court issued findings and recommendations that this action be dismissed without prejudice for lack of prosecution and failure to comply with court orders. See ECF No. 33. Plaintiff has filed objections to the findings and recommendations, ECF No. 34, along with a motion for an extension of time to file a first amended complaint, ECF No. 35.

Good cause appearing therefor based on Plaintiff's declaration indicating that he did not timely file a first amended complaint due to excusable neglect, the Court will vacate the December 5, 2022, findings and recommendations and grant Plaintiff an extension of time to file a first amended complaint as directed by the District Judge.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on December 5, 2022, are vacated;
2. Plaintiff's motion, ECF No. 35, for an extension of time is granted;
3. Plaintiff shall file a first amended complaint within 60 days of the date of this order; and
4. The Clerk of the Court is directed to forward to Plaintiff a copy of the District Judge's September 22, 2022, order at ECF No. 32.

Dated: December 15, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE